

BRYAN HULL, and  
THE CLAY COMPANY INCORPORATED

Plaintiffs,

VS.

STEVEN NESS, TRANSGLOBAL  
DEVELOPMENT LLC, LAKEVIEW DOWNS  
EQUESTRIAN, LP, LAKEVIEW  
DEVELOPMENT, LLC, PARKVIEW SOUTH  
L.L.C., PVP LLC, PHIL SHIRREFFS, and  
ACTUATOR ASSOCIATES INCORPORATED.

Defendants.

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Case No. 4:10-cv-153

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

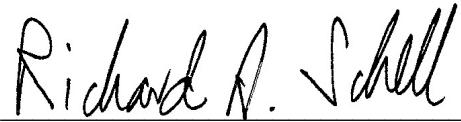
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 19, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants PVP, LLC's and Parkview South, LLC's Motion to Dismiss (Dkt. 24) should be GRANTED, that Defendants PVP, LLC and Parkview South, LLC's Motion for Sanctions (Dkt. 25) and for Summary Judgment (Dkt. 31) should be DENIED as MOOT, and that the claims in this matter against Defendants PVP, LLC and Parkview South, LLC should be dismissed for failure to state a claim.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendants PVP, LLC's and Parkview South, LLC's Motion to Dismiss

(Dkt. 24) is GRANTED, Defendants PVP, LLC and Parkview South, LLC's Motion for Sanctions (Dkt. 25) and for Summary Judgment (Dkt. 31) are DENIED as MOOT, and the claims in this matter against Defendants PVP, LLC and Parkview South, LLC shall be dismissed for failure to state a claim.

**IT IS SO ORDERED.**

**SIGNED this the 28th day of June, 2011.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE